

**APPLICATION OF BECKY J.W. BORTHWICK
FOR ASSOCIATE CIRCUIT JUDGE
31st CIRCUIT JUDICIAL COMMISSION
GREENE COUNTY, MISSOURI (as adopted June 8, 2009)**

***RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE
APPLICANT IS NOMINATED.***

NOTE – Please submit one (1) paper copy, with attachments, to each of the five (5) Commission members by mail.

1. Present principal occupation and title: Municipal Judge
2. What is your age? 46
3. (a) How many years have you been a citizen of the United States? 46
(b) How long have you been a Greene County resident? 12 years
(c) How many consecutive years immediately preceding your application have you been a qualified voter of Missouri? 12 years
4. State the date you were admitted to The Missouri Bar and whether your license is in good standing. If not, explain in detail.

October 16, 2001, and my license has always been in good standing.

5. List any other states, courts, or agencies in which you are licensed as an attorney.
The Supreme Court of the State of Oklahoma, September 1995
The Supreme Court of the State of Nebraska, November 1995
Admitted to the U.S. District Court of Nebraska, 8th Circuit, 1997
The Supreme Court of the State of Louisiana, October 1999
Admitted to the U.S. Eastern District Court of Louisiana, 10th Circuit, 2000
The Supreme Court of the State of Missouri, 2001
Admitted to the U.S. Eastern District Court of Missouri, 8th Circuit, 2001
Admitted to the U.S. Western District Court of Missouri, 8th Circuit, 2012
6. (a) State the name and address of all colleges and universities attended, other than law school, together with the dates and degrees received.

University of Missouri, Bachelor of Arts, August 1987 - May 1991

(b) List/describe any college or university activities, scholastic achievements and other awards or honors you think are relevant to the commission's decision.

I was very active with the Baptist Student Union all four years of college and engaged in numerous fundraising and volunteer projects. I was the chairperson for five campus-wide blood drives at the University of Missouri. I also worked at the Get Out the Vote booths encouraging students to register to vote during election season each year.

(c) Attach a certified copy of college, university and law school transcripts here, or have the institutions send transcripts direct to the contact person.

7. (a) State the name and address of all law schools attended together with the dates and degrees received.

University of Oklahoma College of Law, Juris Doctor, August 1992 - May 1995

(b) List/describe any law school activities, scholastic achievements and other awards or honors you think are relevant to the commission's decision.

I was on the Dean's List the fall semester of 1994, which was the semester my first child was born three weeks before finals. I also was a member of Phi Delta Phi, which is a legal society that seeks to foster scholarship, civility, and ethical conduct among the profession. Finally, I was selected to the Board of Advocates at the University of Oklahoma in 1993, based upon my oral advocacy performance.

8. State, in chronological order (starting with the earliest employment) (a) significant non-law-related employment prior to law school and (b) all employment from the beginning of law school to the present. To the extent reasonably available to you, include the name and address of each employer and the dates of employment, and, for legal employment, describe the positions you have held, e.g., associate, partner, law clerk, general counsel.

(a) I grew up working on my family's hog farm in Cedar County, Missouri. When I was 15 years old I also began waiting tables at Johnny's Restaurant in Stockton, Missouri, and worked there until I left for college. I list this as "significant non-law related employment" because I believe I have benefited greatly from the important life lessons that were learned on the farm and in the restaurant.

I was a work-study student in the Political Science department at the University of Missouri – Columbia my Freshman and Sophomore years. My Junior and Senior years I was a live-in nanny for Jim and Jill Scott in Columbia, Missouri. The

summer following my Junior year in college I worked for Citizens Memorial Hospital located at 1500 N. Oakland Avenue, Bolivar, Missouri in the human resources department as a summer intern. My supervisor was Deni McColm. After college I got married and worked as a medical assistant/office manager for my husband's medical office.

(b) After graduating from law school in 1995, I supported my former husband's career by relocating as his practice changed and each time I reestablished my full-time legal employment, which is detailed below:

DIAS LAW OFFICE

Bassett, Nebraska

November 1995 - November 1996

Engaged in private practice in a remote, small town as one of two attorneys in the county. Practiced in the areas of criminal defense, family law, real estate and agriculture law.

EDSTROM, BROMM, LINDAHL & SOHL

551 Linden Street

Wahoo, Nebraska 68066

May 1997 - January 2000

Started as an associate on a litigation team researching and drafting legal memoranda, management of documents at trial, conducting witness interviews, attending depositions and attending motion hearings. Second-chaired a federal jury trial. Was advanced in 1998 to the role of lead litigator. Filed and tried cases to conclusion, argued motions, prepared appellate briefs and appeared before both the Court of Appeals and the Supreme Court of Nebraska to argue. Practiced in the areas of general litigation, criminal defense, personal injury litigation, commercial litigation, insurance defense, Workers' Compensation, Americans with Disabilities Act, Social Security disability and family law. Successfully led prominent natural gas condemnation litigation and performed in a consulting role to other litigators with similar cases.

STEEG AND O'CONNOR, L.L.C.

201 St. Charles, Suite 3201

New Orleans, Louisiana 70170

February 2000 - July 2001

Member of a litigation team that defended several large corporate clients in the areas of real estate, general litigation and title insurance defense matters. Prepared and argued motions regarding insurance coverage issues. Prepared extensive research briefs. Successfully filed and tried cases to conclusion in the areas of title

insurance litigation, insurance coverage disputes and construction defects.

DIAS LAW OFFICE

21 Vine Street

Dexter, Missouri 63841

November 2001 - January 2004

Engaged in a busy general practice as a solo practitioner. Practice areas included Criminal Defense, Personal Injury Litigation, General Litigation, Real Estate (Transactional and Litigation), Bankruptcy, Family Law, Juvenile Law, Business Law, Wills, Trusts, and Probate. Managed all aspects of the practice including legal duties, marketing, staff, payroll and accounting.

MISSOURI ATTORNEY GENERAL

149 Park Central Square, Suite 1017

Springfield, Missouri 65806

January 2004 - July 2005

Defended the interests of the Missouri Second Injury Fund. Successfully negotiated numerous settlement agreements and defended the Second Injury Fund at many hearings. Drafted effective briefs and argued to the Missouri Labor and Industrial Relations Commission and the Missouri Southern District Court of Appeals.

MORRISON, WEBSTER & CARLTON

1736 E. Sunshine, Suite 104

Springfield, Missouri 65804

August 2005 - April 2009

Successfully managed a high-volume caseload of claimants' Workers' Compensation matters, Social Security Disability appeals and plaintiffs' tort matters. Conducted all aspects of litigation to achieve the most favorable result for the client. Legal duties included client intake, provided advice on legal rights and obligations, researched and drafted court documents, took and defended depositions, engaged in settlement negotiations, conducted first-chair trials and administrative hearings, and wrote appellate briefs. Frequently argued before the Missouri Labor and Industrial Relations Commission in Jefferson City, Missouri and the Southern District Court of Appeals. Office management duties included training and supervising legal assistants and paralegals, as well as participating in firm marketing media.

FRANKE SCHULTZ & MULLEN
5000 Highland Springs
Blvd. Springfield,
Missouri 65809
June 2009 - June 2013

Managing Partner, Springfield Office

Management Role. Supervised a staff of three associate attorneys and five staff members. Also, operated as a liaison between the Springfield and Kansas City offices providing mentorship to younger attorneys in the Kansas City office, as well. Was responsible for the overall direction and control of training, work, performance, evaluations, conflicts and disputes, terminations and other matters related to the attorneys and staff of the firm. Oversaw efforts to strengthen client relationships and improve client satisfaction. Worked directly with decision makers at national insurance carriers to attract assignments of new matters.

Practicing Attorney Role. Provided representation to clients regarding tort claims, breach of contract claims, and construction claims. Received assignments from major national insurance carriers, as well as several small Missouri mutual insurance carriers. Represented insurance companies directly on all aspects of insurance law and bad faith issues. Assisted carriers in developing policies and procedures regarding claims handling. Tried several jury trials each year. Instructed younger attorneys on motion practice and trial practice skills. Engaged in approximately 50 mediations each year.

JUDGE, MUNICIPAL DIVISION
31st Circuit Court of Missouri
625 N. Benton
Springfield, Missouri 65806
July 1, 2013 - Present

Currently serve as a full-time judge for the Springfield Municipal Court. Duties include conducting bench and jury trials, ruling on admissibility of evidence and testimony, rendering judgments and assessing sentences. Also, set bonds and issue summons and warrants. Enforce the City's and Court's personnel policies and procedures along with direct supervision of court bailiff. Enforce Municipal Court policies and procedures as part of the unified court system in Missouri under general administrative authority of the Presiding Judge of the Greene County Circuit Court. Perform weddings. Have married 142 couples to-date. Founding and presiding Judge of the Springfield Homeless Court. Participate and prepare any needed documents for grant meetings. Participate in several City

meetings and groups, which have been formed to advance the community.

9. If you were a student at any school from which you were suspended, placed on probation, or expelled by school authorities, for any reason, describe the circumstances.

None.

10. Describe the nature of your experience in trial and appellate courts and explain how they demonstrate the quality of your legal work. It is your responsibility to redact any information in your description that might be confidential; i.e. juvenile matters, etc. (*You either may take as much space as you need here or attach your response on separate sheets*). Include in your response:

- a) **Appellate Experience:** Please include a representative list of cases you have briefed and/or argued (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court and, if published, the citation; identify the client(s) you represented and opposing counsel; give a one-paragraph description of the case and your role.

Garber v. Jaroonwanichkul, 283 S.W. 3d 268 (Mo.App. S.D. 2009). I represented Rebecca Garber, a nurse, in a workers' compensation claim filed against her employer Dr. Jaroonwanichkul, who was represented by Eric Farris. Dr. Jaroonwanichkul was not covered by workers' compensation insurance at the time of her injury. The treating physician and the expert physician both testified her injuries were caused by the work-place accident. The matter was heard by the Administrative Law Judge ("ALJ") who found Ms. Garber had suffered compensable injuries and awarded her benefits accordingly. Dr. Jaroonwanichkul appealed the matter to the Labor and Industrial Relations Commission (the "Commission"), which affirmed the ALJ unanimously. Dr. Jaroonwanichkul then filed an appeal to the Southern District. I tried the case at the ALJ level and briefed and argued the case to the Commission. I also briefed and argued the case to the Southern District Court of Appeals. The Court ultimately found competent and substantial evidence supported the finding that her injuries were caused by the work-related accident and upheld the ALJ and Commission's Award.

Heiskell v. Golden City Foundry, Inc., 260 S.W.3d 443 (Mo.App. S.D. 2008). I represented the family of Mr. Heiskell who brought a workers' compensation claim alleging his death was work-related. Katherine Collins represented Golden City. The matter was tried to the ALJ on May 2, 2007, who found in favor of Mr. Heiskell's family. Golden City appealed and the matter was briefed and argued to the Commission, which reversed the ALJ's

findings. Mr. Heiskell's family appealed, but the Southern District held the Commission's reversal was supported by substantial and competent evidence and affirmed the final Award. I tried the matter to the ALJ, prepared the briefs and argued at the Commission and the Southern District Court of Appeals.

Birdsong v. Waste Management, 147 S.W.3d 132 (Mo.App. S.D. 2004). Mr. Birdsong, who was represented by Michael Korte, was injured while working for Waste Management, who was represented by Mark Cordes. Mr. Birdsong filed a Claim for Compensation against the employer and the Second Injury Fund, who was represented at the time by Assistant Attorney General Michael Bloom. At the hearing before the ALJ, the employee presented expert testimony he was permanently and totally disabled due to a combination of his work-related injury and his pre-existing injury. The ALJ agreed and awarded Mr. Birdsong benefits from the Employer and the Second Injury Fund. The Fund appealed the matter to the Commission, who held the Fund was not liable to pay permanent total disability benefits to Mr. Birdsong because it was the last injury alone that left him permanently and totally disabled. Both Mr. Birdsong and Waste Management appealed to the Southern District Court of Appeals. The Southern District affirmed the Commission's Award that the Employer was liable for Mr. Birdsong's permanent and total disability because he was disabled by his last injury alone and thus upheld the finding that the Second Injury Fund had no liability for his total disability. I briefed and argued the matter to the Commission and the Southern District Court of Appeals on behalf of the Treasurer of the State of Missouri, as Custodian of the Second Injury Fund.

Billups v. Lyons et al., 821 So.2d 499 (La.App. 4 Cir. 5/29/02). This matter involved a condominium (the "Property") located in New Orleans, Louisiana that was purchased by the plaintiff, Geraldine Billups, from defendants Oliver and Kathleen Lyons. Billups arranged financing for the Property through a state-sponsored program for first-time homebuyers operated by the Louisiana Housing Finance Agency (the "Program"). Gilyot Mortgage Corporation ("Gilyot") was the originator of the loan. Gilyot assigned the Billups mortgage to The Leader Mortgage Company, ("Leader"), who was the servicer for the Program. The Lyons retained Couhig Southern Environmental Services of New Orleans, Inc. ("Couhig") to inspect the property for wood destroying insects and Couhig issued a report stating there was no evidence of wood destroying insects at the Property. Soon after the closing, Billups discovered that the Property was infested with active Formosan termites. Subsequently, Billups defaulted on her loan obligation and Leader filed a foreclosure action. Billups filed suit against the Lyons, Couhig, Raymond Vrazel and Barbara Snead Tedrow, who sold the Property to the Lyons. When Leader learned of the Billups' action against the seller and Couhig, Leader filed its own action against Couhig, who was represented by Irwin

Fritchie, for negligence, asserting essentially the same claim as Billups. Leader also sued Gilyot for repurchase of the loan based upon breach of contract. Finally, Leader also intervened in Billups' action against the sellers and Couhig in order to preserve its security interest in the Property and its right to receive the proceeds of any award to Billups. All actions were consolidated and the matter was tried to the District Court in New Orleans. I represented Leader and tried the Circuit Court case, which was a bench trial. The District Court entered Judgment in favor of Billups, against Mr. and Mrs. Lyons and Couhig, *in solido*, rescinded the sale, awarded general and special damages and attorneys fees. The matters regarding Leader were omitted in the final Judgment. I filed a Motion for New Trial and argued that the Court did not rule on several of Leader's claims. The Court granted my Motion and entered an Amended Judgment in which it rescinded the sale of the property and the note. Couhig, Bilups, and Leader appealed to the Fourth Circuit Court of Appeals. The Court found the Judgment of the District Court rescinded the sale, but failed to address how Billups would satisfy her debt to Leader, especially given the fact Billups and the Lyons filed for bankruptcy. The Court of Appeals found Couhig to be 100% liable to Leader. I co-wrote the brief and Charles Stern argued the matter to the Court of Appeals after I had re-located to Missouri.

Parks v. Uni-Copy, 812 So.2d 151 (Table La.App. 1 Cir. 2/15/02). John Parks was a sales representative for Uni-Copy. After Mr. Parks left the employ of Uni-Copy he demanded Uni-Copy pay him certain commissions, which Uni-Copy disputed. Mr. Parks, who was represented by Robert Harrison, filed suit for payment of those commissions, which were in excess of \$100,000.00, in the Civil District Court for the Parish of East Baton Rouge and the matter proceeded to trial on June 1, 2000. I was co-counsel at trial along with Randy Opatowsky, who was lead counsel. The trial court awarded the plaintiff commission for three small bids and penalties totaling approximately \$10,500.00. Mr. Parks appealed to the First Circuit Court of Appeals, which upheld the lower court's judgment. I prepared the brief and argued the matter before the Court of Appeals.

Harders v. Odvody, 261 Neb. 887, 626 N.W. 2d 568 (2001). The Bauers transferred real estate to Roger Harders, which included a lane that allowed access to the property. Later the Bauers conveyed additional land on the east side of the lane to Mr. Harders, which he later sold to Michael Brecka. In the sale, Mr. Harders included half of his lane so Mr. Brecka could have access to his newly purchased property. Mr. Brecka then sold the property to Marilyn and Milton Odvody. Sometime later, Mr. Harders gated his half of the lane ("Harders' lane"). Following the installation of the gate, the Odvodys torn it down. Mr. Harders filed an action for a Permanent Injunction restraining the Odvodys from entering Harders' lane or destroying any fencing. The Odvody's filed a counter-claim alleging a prescriptive

easement, public use easement and an easement of necessity. I represented Mr. Harders and tried the case to the District Court. The trial court entered Judgment in favor of Mr. Harders and entered a permanent injunction preventing the Odvodys from using the Harders' lane. The Odvodys, represented by James Haszard, appealed. I wrote the Brief of Appellee on behalf of Mr. Harders and the Supreme Court affirmed.

R.J. Miller, Inc. v. Harrington, 260 Neb. 471, 618 N.W.2d 460 (2000). The Millers purchased a three story commercial building from the Harringtons. The Millers alleged they incurred damages as a result of undisclosed major structural defects to an outside wall and that the Harringtons had not provided them with a disclosure statement. The Harringtons filed a Third-Party Petition against the real estate agent, Sam Cortese, for failing to provide them with the proper disclosure form. I was co-counsel for the Harringtons. Cortese was represented by J. Malachy Sullivan and the Millers were represented by Robert Sullivan. After the evidence was presented at the bench trial, the Court dismissed the Millers' action and the Millers appealed. I wrote the appellate brief and argued the matter to the Supreme Court of Nebraska, which affirmed the trial court's ruling in favor of the Harringtons.

Thomas Lakes Owners Ass'n v. Riley et al., 9 Neb.App. 359, 612 N.W.2d 529 (2000). Thomas Lake Owners Association (the "Association") filed a County Court action against several members of the Association who refused to pay an assessment levied by the Association pursuant to their bylaws for the dredging of the lake and road repairs. The defendants, represented by Trev Peterson, alleged the bylaws were invalid. The County Court ruled in favor of the Association holding the defendants were collaterally estopped from litigating the bylaws due to earlier litigation and that the Association was entitled to collect the assessment along with prejudgment interest as a matter of law. The defendants appealed and the Circuit Court reversed the collateral estoppel ruling and remanded. The Association appealed to the Nebraska Court of Appeals, which affirmed the District Court. I wrote the appeal brief and argued to the Court of Appeals.

Cross v. Perreten, 257 Neb. 776, 600 N.W.2d 780 (1999). Ms. Cross and Mr. Perreten had lived together 18 years and had two children, but had never married. Ms. Cross filed suit requesting an equitable division of the couple's property, custody of the children and child support. Mr. Perreten admitted paternity and asked the court to enter an equitable child support order, but demurred to the division of property and debts arguing the court did not have jurisdiction over those matters. The District Court found Mr. Perreten to be the father of the minor children, awarded Ms. Cross custody of the children and assessed child support against Mr. Perreten. The court also divided the property and debts of the parties and ordered Mr. Perreten to pay \$1,000.00 of Ms. Cross' attorney fees. I filed the appeal on

behalf of Mr. Perreten, wrote the brief and argued the matter to the Nebraska Court of Appeals alleging the trial court lacked jurisdiction to hear and rule on the issue of the property and debts and the court erred in assessing payment of attorney fees. The Court of Appeals agreed and reversed the order of the trial court regarding the division of property and debts, but affirmed the award of attorney fees.

Kellner v. Kellner, 8 Neb.App. 316, 593 N.W.2d 1 (1999). Mr. and Mrs. Kellner, who were seeking a divorce, had been married 22 years and had accumulated significant assets including large tracts of land and farm equipment. John Sohl represented Ms. Kellner at trial and John Ballew represented Mr. Kellner. Despite the fact that neither party requested a total liquidation of the property, the Circuit Judge ordered all property to be sold and divided equally, except for their personal items and automobiles. Also, Ms. Kellner was awarded \$200.00 per month in alimony for 121 months. Mr. Kellner appealed. The Nebraska Court of Appeals held that although the facts justified an equal division of property there was an abuse of discretion by the trial court when it ordered a complete liquidation and the matter was reversed and remanded. I briefed the matter on appeal and argued before the Court of Appeals on behalf of Ms. Kellner.

Bartek v. Bartek, Nebraska Court of Appeals, Case No. A-97-1234. (July 1998). This matter was not reported. The appeal arose from an Application to Modify Alimony. The trial court found no unanticipated change of circumstances, which would have permitted it to change the alimony and thus the Motion to Modify was denied. Florence Bartek, who was represented by Karin O'Connell, appealed alleging an abuse of discretion. I represented appellee Albert Bartek. I brief the matter and the Court of Appeals summarily affirmed the trial court.

- b) **Trial-Level Experience:** Please include a representative list of cases and/or administrative hearings you have handled (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court; identify who you represented and opposing counsel; state whether the case was disposed of following a jury trial, bench trial or at what other stage; give a one- paragraph description of the case and your role.

Roy Combs v. Jeanne Welch d/b/a Automotive Central, Case No. 10PO-CC0005. I represented Jeanne Welch who was operating Automotive Central along with her husband, in a rural area in Polk County, Missouri. Roy Combs, represented by Nathan Duncan, was a customer who had left his vehicle at the shop for repair. On the day in question, the shop was closed due to a large ice storm, but Mr. Combs called and asked to pick up his vehicle. The Welches, who lived next to the shop, agreed to walk over to

meet Mr. Combs. After paying for the work done to his truck, Mr. Combs exited the building and slipped on ice in the gravel parking lot and sustained a closed head injury. I tried the jury trial, which began March 20, 2013, in Polk County and the jury found for the defendant.

Rosemarie Wood v. Progressive Preferred Insurance Company, Case No. 1031- CV18487, Consolidated Case No. 1031-CV09765. I represented Progressive Preferred in a bench trial before Judge Cordonnier September 17, 2012. Matt Corbett and Daniel Malloy represented Wood. Ms. Wood's son was killed as a result from falling from the bed of an uninsured motor vehicle, which was driven by either Jessica Majors or Bobby Potts, both of whom denied driving the vehicle. Ms. Wood's son was moving furniture from the residence he shared with Ms. Majors in Monett to a residence they planned to share in Pierce City, Missouri. Ms. Wood claimed uninsured motorist benefits under the terms of the Progressive Preferred policy. The Court's judgment stated, "In a fine example of careful trial preparation and lawyerly cooperation, the parties entered a Stipulation of Fact removing from the case many issues over which there was no genuine issue of dispute." The Court found Mr. Wood was not a relative residing in the same household as the uncle for the purpose of providing coverage under the uninsured motorist section of the policy and entered Judgment in favor of Progressive Preferred on October 19, 2012.

Alan Herman v. Ronald Daugherty, Case No. 31107-CC5179. This was a personal injury suit wherein Mr. Herman alleged he was injured as a result of an automobile accident involving Mr. Daugherty. Jim Corbett represented Mr. Herman and I represented Mr. Daugherty before a Greene County, Missouri jury beginning on June 20, 2011, with Judge Dan Conklin presiding.

Megan Skinner (Hoskins) v. Amy Grace, Case No. 0931-CV05880. This was a personal injury suit wherein Ms. Skinner alleged she was injured as a result of an automobile accident with Ms. Grace. Bill Beadle represented Ms. Skinner and I represented Ms. Grace. The matter was tried to a Greene County, Missouri jury beginning on May 10, 2011, before Judge Michael Cordonnier.

Christine Dittmer v. Connie Cox, Case No. 0831-CV02300, Christine Dittmer, who was represented by Jim Corbett, alleged she was entitled to damages as a result of an automobile accident, which occurred with my client, Connie Cox. The matter was tried to a jury beginning on May 10, 2010, before Judge Dan Conklin.

Kerns v. Couch, Case No. 1131-CV11910; Steve Kerns, who was represented by Ann Littell Mills, alleged he was entitled to damages as a result of an automobile accident, which occurred with my client, Robert Couch. Mrs.

Kerns also alleged loss of consortium. The matter was tried to a jury beginning on June 20, 2012, before Judge Michael Cordonnier.

Sturgell v. Paulsen, Case No. 10BR-CC00016; Mr. Sturgell, who was represented by John Cowherd and Scott Pettit, alleged he was injured as a result of a motor vehicle accident caused by Ms. Paulsen. John Franke and I represented Ms. Paulsen. The matter was tried to a jury beginning on September 22, 2011, in Barry County before Judge Carr Woods.

Norton v. Higdon, Case No. 08NW-CV00375; Allan Wilcox and Deryl Edwards Jr. represented Mr. Norton, who was hired by Mr. Higdon to repair his residential roof. Mr. Norton fell off the ladder as he was descending from the roof. After the fall Mr. Norton drove himself home, but it was later determined that he had broken his hip. John Franke and I represented Mr. Higdon. The matter was tried to a jury beginning April 13, 2010, before Judge Timothy Perigo.

Annette Schoemel v. Treasurer of the State of Missouri, as Custodian of the Second Injury Fund. Mr. Schoemel injured his knee in a work-related accident and had pre-existing disabilities. Mr. Schoemel died about a month after his original workers' compensation benefits began, but his death was unrelated to the accident. Ms. Schoemel sought permanent total disability benefits for the remainder of her lifetime following his death. I represented the Second Injury Fund at the hearing before the ALJ, who found the Fund was liable to Ms. Schoemel for Mr. Schoemel's permanent total disability benefits until the date of his death; however, the ALJ denied Ms. Schoemel's claim for permanent total disability benefits for the remainder of her lifetime following his death. The Commission affirmed the ALJ's ruling. The matter was later appealed and reversed in *Schoemel v. Treasurer of the State of Missouri*, 217 S.W.3d 900 (Mo. 2007). The Supreme Court's ruling was then overturned by legislation.

I also tried numerous cases for injured workers, such as Ms. Maxwell, Ms. Pendergrass, Mr. James, Mr. Theobold, Mr. Adams and Ms. Lafie, from 2005 - 2009. In all of those cases I presented expert witness testimony regarding the nature and extent of the claimant's injuries and the percentage of the resulting disability. I would aggressively cross-examine defense experts and witnesses. Shari Lockhart, Laurel Stevenson, Jerry Harmison, Patrick Platter, and Mary Thompson would frequently defend the employers and Assistant Attorneys General Cara Harris and Susan Colburn would defend the Second Injury Fund. I also argued many Social Security Disability cases during that time, as well.

Frequently the cases heard before the ALJ would be appealed to the Labor and Industrial Relations Commission. *Linda Moore v. Nevada Regional*

Medical Center, the Missouri Property and Casualty Guarantee Fund and the Treasurer of Missouri as Custodian of the Second Injury Fund. Inj. No. 01-054103 (April 16, 2007) was a representative case. Ms. Moore filed a Claim for Compensation after a fall at work. The ALJ found her to be permanently and totally disabled as a result of her last injury alone. I tried the matter along with Tom Carlton on behalf of Ms. Moore. The employer appealed to the Commission. I argued the appeal to the Commission and the ALJ's decision was affirmed. Mathew Hogan represented the employer and Christy Pitman represented the Second Injury Fund.

I also tried many family law matters such as, *Stephanie Jones v. Christopher Jones*, Case No. 35V049600457-01. I represented Petitioner Stephanie Jones in a contested Motion to Modify Child Custody, which was filed by Respondent Christopher Jones, who was represented by Rance Bulter. Judge Steve Mitchell heard the matter on August 14, 2002.

I am currently a full-time municipal judge for the City of Springfield. I was appointed by the City Manager and confirmed by the City Council. I took the bench July 1, 2013. My docket includes traffic offenses, alcohol related offenses, stealing, assaults, affrays, drugs, drug paraphernalia, trespassing, and various other ordinance violations. I preside over many bench trials and have authority to preside over jury trials. I currently have two scheduled in October. As a full-time judge, I also have administrative responsibilities regarding supervising employees. I run an efficient and effective courtroom. I have become very adept at quickly assessing the issues, dealing with any immediate threats to the public, and determining a fair and appropriate sentence. I have received extensive judicial training on sentencing techniques, which I implement each day. Many of these same matters are heard at the associate circuit level. I routinely sentence drug and alcohol related offenses including driving while intoxicated offenses. I consolidate cases when appropriate with the Greene County Mental Health Court, Family Dependency Court and Greene County Drug Court.

Also, when the Greene County jail was accepting municipal prisoners I determined if early release or parole was appropriate as it related to the jail population issues. I also previously set bonds on defendants in person and during the video court sessions where the defendant was appearing in custody while at the Greene County Jail. I have been part of a working group to develop new policies and procedures so that the court may adapt as necessary in the interim until the jail matter is resolved. I traveled to Atlanta, Georgia in September of 2015, to observe the Atlanta Community Court to determine if the City of Springfield could develop a similar system.

I have had extensive training at the National Judicial College in Reno, Nevada. In June of 2014, I completed the Special Court Jurisdiction Advanced

Course, which is a two-week course covering municipal and associate circuit court jurisdictions. I also completed Driving While Impaired Adjudication Essentials at the National Judicial College in August of 2013. The National Judicial College trains judges from all states and some foreign countries. Therefore, I believe my experience and training would allow me to make a smooth transition to the associate circuit docket. Also, I have received the Office of State Courts Administrator new judge orientation and have participated in the Municipal and Associate Circuit Courts annual meetings, which include training. Furthermore, because of my interest in treatment courts, I attended the Missouri Association of Drug Court Professionals' 16th Annual Conference. I routinely work with Burrell Behavioral Health to insure I am effectively using the liaison services they provide for the court and have initiated Burrell's mental health services for many defendants.

In addition, I am the founding judge of the Springfield Homeless Court, which is treatment court for homeless defendants. The American Bar Association's Commission on Poverty and Homelessness sponsored a site visit for the founder of the first homeless court in the country so that he could observe our court and take suggestions from the model we have developed to other similarly sized communities nationally in his role as advisor to the Commission. To-date the program has graduated many successful participants who are now both housed and employed.

Finally, I was appointed by the Missouri Supreme Court to serve on the Municipal Judge Education Committee, which is chaired by the Honorable Roy Richter, an Appellate Judge from the Eastern District Court of Appeals. The Committee oversees continuing education compliance by municipal judges. The members of the committee also plan and present mandatory new judge orientations twice each year. As part of my duties on this committee, I presented on Driving Under the Influence cases and the new procedures necessitated by Senate Bill 5 at the OSCA new judges training October 16, 2015.

11. (a) Describe any additional legal experience that you believe may be relevant to the commission's decision, including clients by category that you have represented.

As an attorney and litigator I have helped many people make difficult decisions in a wide range of contexts. One example would be early in my career I was appointed by the court to provide counsel to a mother who was unable to safely parent due to her co-occurring disorders of alcohol and substance abuse and mental health issues. I worked with the treatment team to secure all the services possible for the mother and when it was clear she could not be successful in parenting, provided her counsel as she reached the very difficult decision to relinquish her parental rights. I

worked with the treatment team to allow her to create a memory book for the child, which contained photographs and a letter to the child. Helping her draft that letter was extremely difficult as I had a three-year-old child at that time as well, so I had an acute appreciation of the gravity of her decision. I represented many clients as a court appointed attorney while maintaining a full-time criminal and civil firm practice.

I did extensive work as Guardian ad Litem in Juvenile Court matters and Family Law matters while practicing in Dexter, Missouri. I frequently authored lengthy Guardian ad Litem reports after conducting home and school visits, interviewing the teachers and all interested parties. I testified and made recommendations to the court in abuse and neglect cases. In Missouri and Nebraska have handled many misdemeanor and felony cases including rapes, assaults and an attempted murder.

As my career changed and progressed I began representing civil plaintiffs and defendants exclusively. My practice ranged from trying small auto accident cases to advising large corporations on multi-million dollar title insurance claims. As managing partner of the Springfield office of Franke, Schultz and Mullen I hired and managed all the local staff. I am very even-tempered and patient. I believe my experience and personality makes me exceptionally suitable for the Associate Circuit Court bench.

Moreover, as managing partner of a law firm I had an opportunity to influence many young attorneys. I have hired new attorneys and helped them make that transition from law school to a practice. I also have served as a mentor for other young attorneys in the community, as well. I believe these are all skills needed by any Judge, as they have a direct and immediate impact over the young attorneys' development that appear in his or her courtroom.

All of my current job duties require me to be a fair and consistent leader. I believe my love of this role is evident when someone is observing in my courtroom or listening to my presentations on our homeless court. I use my skills now to challenge some defendants to change their behavior and be accountable for their actions. I do this in an approachable but firm manner. These interactions vary from working with youth in their first contact with the court system to working with people who are returning from the Department of Corrections and are reintegrating with our community. I believe by being an accessible judge who not only punishes offenses, but also celebrates successes I can make a difference.

- (b) Describe any non-legal experience that you believe may be relevant to the commission's decision.

I am also the mother of a former special needs child, who is now a young adult that is thriving in college. That experience has given me a framework and background that I use to challenge people not to accept labels that are placed upon them. This is especially helpful in my current work with the community.

12. List all bar associations and other professional societies of which you are a member, with any offices held and dates.

Missouri Municipal and Associate Circuit Judges Association, 2013 to Present.
I currently serve on the President's Advisory Committee.

Missouri State Bar Association, 2001 to Present.
American Judges Association, 2013 to Present.
Louisiana State Bar Association, 1999 to Present .
Nebraska State Bar Association, 1995 to Present.
Oklahoma State Bar Association, 1995 to Present.
Missouri Association of Trial Attorneys, 2006 to 2010.
Springfield Metropolitan Bar Association, 2005 to Present.
Southern Missouri Women Lawyers, 2015 to Present.
Nebraska Attorneys Trial Association, 1997 to 2000.
American Trial Lawyers Association, 1997 to 2009.
American Bar Association, 1995 to 2013.
Nebraska Criminal Defense Attorneys Association, 1997.

13. (a) List any professional articles or books authored by you that have been published or any special recognition or award of a professional nature you have received.

As discussed above, on July 8, 2015, the Missouri Supreme Court appointed me to the Municipal Judges Education Committee for a term ending December 31, 2017.

On November 6, 2015, I gave a two-hour presentation at the Missouri Municipal and Associate Circuit Judges Association's Regional Conference to the area judges and court clerks on Senate Bill 5 and accompanying procedural changes.

On May 20, 2015, I presented at the Missouri Municipal and Associate Circuit Judges Association's Annual Courts Conference on the formation and operation of the Springfield Homeless Court. The presentation covered the American Bar Association's model and how our court was developed within that model, but is truly innovative and new. I provided specific instruction to other judges on how to use these techniques even if their courts do not have the resources to create a treatment court.

On September 22, 2015, the Springfield Homeless Court was an Innovation Award Nominee at the Innovation Award Showcase at the Annual Conference of the Missouri Municipal League in Kansas City, Missouri.

On August 18, 2014, I was selected as one of Springfield's Most Influential Women of 2014, which is an award that is chosen by an independent panel. It recognizes the leadership, influence and civic involvement of women across Southwest Missouri. The award was presented at a luncheon on October 10, 2014, hosted by the Springfield Business Journal.

Birdsong v. Waste Management, 147 S.W.3d 132 (Mo.App. S.D. 2004), which was summarized above, was selected one of the top 25 cases of the year as reported by Missouri Lawyers Weekly in 2004.

I presided over a group wedding, along with Judge Thornhill, on Valentine's Day 2014 at the Municipal Court where 14 couples were married on February 14, 2014, which was featured on the front page of the Springfield News-Leader on February 15, 2014.

I was a presenter and teacher at the University of Missouri School of Law Trial Practice Intersession 2013 in Columbia, Missouri.

Also, I was a presenter at Trial Preparation From Start to Finish for Paralegals in May of 2012. I prepared course materials, which were published by the Institute for Paralegal Education.

(b) List any other articles, reports, letters to the editor, editorial pieces, or other material authored by you that have been published within the last five (5) years.

None.

14. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations in which you have significantly participated. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

St. Elizabeth Ann Seaton parishioner since 2003.

I currently serve as a judge for Teen Court. In this program, Greene County high school students who have plead guilty to misdemeanor charges are sentenced by a jury of their peers. The cases are prosecuted and defended by high school students serving in the role of attorneys.

I am a member of the Homeless Court Task Force, which is a subcommittee of the Systems of Services Committee.

I was a member of a working group for the City of Springfield and Greene County, which cooperatively prepared a grant application to the MacArthur Foundation. I attended meetings, provided information and prepared a stake-holder letter.

Springfield Claims Association, 2009 to 2013, Past-President.

Order of the Eastern Star, 1991 to present, Past-Worthy Matron.

Downtown Rotary Club, 2015 to present.

Member of the Board of Directors of the Springfield Symphony Orchestra.

Speaker on the Springfield Homeless Court and Innovative Court Systems to the NAACP on September 19, 2015, the Southern Missouri Women Lawyers on September 17, 2015, and the Downtown Rotary on September 8, 2015. I have been routinely speaking to small groups, such as PEO groups and homeless advocacy groups, on the topic, as well. On January 6, 2016, I was interviewed for a Democracy Speaks radio spot for KMSU to provide a “year in review” of the Springfield Homeless Court program.

I am currently scheduled to speak at the 2016 Southwest Missouri Reentry Summit, which is being hosted by the Reentry and Resources work group, at Missouri State on April 13, 2016. I will be speaking on the Springfield Homeless Court’s successes and general reentry issues once a defendant is released from custody.

Also, I am scheduled to speak March 17, 2016, at the Missouri State University Diversity Conference, which is being hosted by MSU, the Missouri Bar and the Young Lawyers Section of the Missouri Bar. I will be speaking on diversity and biases in the courtroom.

15. Do you now hold or have you ever held an elective or an appointive public office or position? If yes, provide details.

Yes. I currently hold an appointed full-time Judgeship with the City of Springfield, Missouri, as discussed above.

16. Please list any client(s) or organization(s) for which you performed lobbying activities and describe the lobbying activities you performed on

behalf of such client(s) or organization(s).

None.

17. Provide the branches and dates of (a) military service or (b) other public service not otherwise disclosed in this application. If discharged from the military, state whether the discharge was other than honorable.

None.

18. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of being a trial judge.

Yes. I currently preside over municipal violations each day and preside over many trials. Furthermore, I have the experience, desire and work ethic necessary to advance to the next level.

19. Were you ever refused admission to the bar of Missouri or the bar of another state or the federal courts? If yes, provide details.

No.

20. Have you ever been disciplined, admonished or cited for breach of ethics or professional conduct by the Supreme Court of Missouri or by any court or bar association or committee thereof? If yes, provide details.

No.

21. If you are or were a member of the judiciary of the State of Missouri, please state:

- (a) Whether an order of discipline ever has been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct. If yes, provide details.

No.

- (b) Whether a reprimand or admonition ever has been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Supreme Court Rule 12.07. If yes, provide details.

None.

22. Have you have ever been held in contempt of court? If yes, provide details.

No.

23. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem, or defendant ad litem?

I have not been a party to litigation other than my uncontested divorce in 2003, which was *Dias v. Dias*, Case No. 03CV762798, Stoddard County, Missouri.

If your answer is yes, state the style of the case, where it was filed, and explain in detail. If you are a judge and you have been sued in your judicial capacity, list only those cases where you are or were other than a nominal party.

24. Have you ever been convicted or received a suspended imposition of sentence for a felony or misdemeanor in state, federal or military court? *(Note that this question does not require that traffic offenses or other infractions be listed.)*

If your answer is yes, state the style of the case, where it was filed, and explain in detail.

No.

25. Are you delinquent in the payment of any federal, state, county or city taxes? If yes, provide details.

No.

26. You must attach to this application one writing sample of your choice. The only rule, limitation or instruction is that you must indicate whether it was edited by anyone else, and if so, to what degree.

I wrote each of my writing samples without contribution or editing from any other person. My brief in *Birdsong v. Waste Management* was approved by Assistant Attorney General Layton before submission to the Court of Appeals, but was not edited by him.

27. List/describe any additional honors or awards you have received, activities you have performed, or any other information not set out above that demonstrates the quality of your work as an attorney or that you

otherwise believe is relevant to the commission's decision.

28. Please list the names of ***five*** persons whom you will ask to provide letters of reference for you with respect to your judicial qualifications. Do **not** list as a reference a judge of the court involved. As to each of the (5) references, **please provide name, title, mailing address, telephone and e-mail address. Please note that it is your responsibility to contact your references** and to see that they send the requested letters in a timely manner and in accordance with the Guidelines for References.

Mr. Thomas Carver
Carver, Cantin & Grantham
901 East St. Louis Street
Springfield, Missouri 65806
tom@carvercantin.com
417-831-6363

Mr. Jim Kreider
Executive Director, Missouri Association of Retired Teachers
Association and Public School Personnel
5030 S. Virginia Court Springfield, MO 65810
mrtadirectorkreider@mrta.org
417-849-5185

Mr. Kurt Larson
3331 East Ridgeview Street
Springfield, MO 65804
klarson@larsonlaw.com
417-890-6617

Ms. Morey Mechlin
4624 East Bittersweet Way
Springfield, MO 65809
moreymechlin@me.com
417-889-4119

Mr. John Newman
415 E. Chestnut Expressway
Springfield, Missouri 65802
jnewman@johnnewmanlaw.com
417-832-9200